

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5290**

60th Legislature  
2007 Regular Session

Passed by the Senate April 16, 2007  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House April 3, 2007  
YEAS 97 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5290** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5290**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Keiser, Kohl-Welles and Clements;  
by request of Department of Labor & Industries)

READ FIRST TIME 02/08/07.

1            AN ACT Relating to industrial insurance medical and chiropractic  
2 advisory committees for the department of labor and industries; adding  
3 new sections to chapter 51.36 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 51.36 RCW  
6 to read as follows:

7            (1) The department shall establish an industrial insurance medical  
8 advisory committee.    The industrial insurance medical advisory  
9 committee shall advise the department on matters related to the  
10 provision of safe, effective, and cost-effective treatments for injured  
11 workers, including but not limited to the development of practice  
12 guidelines and coverage criteria, review of coverage decisions and  
13 technology assessments, review of medical programs, and review of rules  
14 pertaining to health care issues.    The industrial insurance medical  
15 advisory committee may provide peer review and advise and assist the  
16 department in the resolution of controversies, disputes, and problems  
17 between the department and the providers of medical care.    The  
18 industrial insurance medical advisory committee must consider the best  
19 available scientific evidence and expert opinion of committee members.

1 The department may hire any expert or service or create an ad hoc  
2 committee, group, or subcommittee it deems necessary to fulfill the  
3 purposes of the industrial insurance medical advisory committee. In  
4 addition, the industrial insurance medical advisory committee may  
5 consult nationally recognized experts in evidence-based health care on  
6 particularly controversial issues.

7 (2) The industrial insurance medical advisory committee is composed  
8 of up to fourteen members appointed by the director. The members must  
9 not include any department employees. The director shall select twelve  
10 members from the nominations provided by statewide clinical groups,  
11 specialties, and associations, including but not limited to the  
12 following: Family or general practice, orthopedics, neurology,  
13 neurosurgery, general surgery, physical medicine and rehabilitation,  
14 psychiatry, internal medicine, osteopathic, pain management, and  
15 occupational medicine. At least two members must be physicians who are  
16 recognized for expertise in evidence-based medicine. The director may  
17 choose up to two additional members, not necessarily from the  
18 nominations submitted, who have expertise in occupational medicine.

19 (3) The industrial insurance medical advisory committee shall  
20 choose its chair from among its membership.

21 (4) The members of the industrial insurance medical advisory  
22 committee, including hired experts and any ad hoc group or  
23 subcommittee: (a) Are immune from civil liability for any official  
24 acts performed in good faith to further the purposes of the industrial  
25 insurance medical advisory committee; and (b) may be compensated for  
26 participation in the work of the industrial insurance medical advisory  
27 committee in accordance with a personal services contract to be  
28 executed after appointment and before commencement of activities  
29 related to the work of the industrial insurance medical advisory  
30 committee.

31 (5) The members of the industrial insurance medical advisory  
32 committee shall disclose all potential financial conflicts of interest  
33 including contracts with or employment by a manufacturer, provider, or  
34 vendor of health technologies, drugs, medical devices, diagnostic  
35 tools, or other medical services during their term or for eighteen  
36 months before their appointment. As a condition of appointment, each  
37 person must agree to the terms and conditions regarding conflicts of  
38 interest as determined by the director.

1 (6) The industrial insurance medical advisory committee shall meet  
2 at the times and places designated by the director and hold meetings  
3 during the year as necessary to provide advice to the director.  
4 Meetings of the industrial insurance medical advisory committee are  
5 subject to chapter 42.30 RCW, the open public meetings act.

6 (7) The industrial insurance medical advisory committee shall  
7 coordinate with the state health technology assessment program and  
8 state prescription drug program as necessary. As provided by RCW  
9 70.14.100 and 70.14.050, the decisions of the state health technology  
10 assessment program and those of the state prescription drug program  
11 hold greater weight than decisions made by the department's industrial  
12 insurance medical advisory committee under Title 51 RCW.

13 (8) Neither the industrial insurance medical advisory committee nor  
14 any group is an agency for purposes of chapter 34.05 RCW.

15 (9) The department shall provide administrative support to the  
16 industrial insurance medical advisory committee and adopt rules to  
17 carry out the purposes of this section.

18 (10) The chair and ranking minority member of the house of  
19 representatives commerce and labor committee or the chair and ranking  
20 minority member of the senate labor, commerce, research and development  
21 committee, or successor committees, may request that the industrial  
22 insurance medical advisory committee review a medical issue related to  
23 industrial insurance and provide a written report to the house of  
24 representatives commerce and labor committee and the senate labor,  
25 commerce, research and development committee, or successor committees.  
26 The industrial insurance medical advisory committee is not required to  
27 act on the request.

28 (11) The workers' compensation advisory committee may request that  
29 the industrial insurance medical advisory committee consider specific  
30 medical issues that have arisen multiple times during the work of the  
31 workers' compensation advisory committee. The industrial insurance  
32 medical advisory committee is not required to act on the request.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.36 RCW  
34 to read as follows:

35 (1) The department shall establish an industrial insurance  
36 chiropractic advisory committee. The industrial insurance chiropractic  
37 advisory committee shall advise the department on matters related to

1 the provision of safe, effective, and cost-effective chiropractic  
2 treatments for injured workers. The industrial insurance chiropractic  
3 advisory committee may provide peer review and advise and assist the  
4 department in the resolution of controversies, disputes, and problems  
5 between the department and the providers of chiropractic care.

6 (2) The industrial insurance chiropractic advisory committee is  
7 composed of up to nine members appointed by the director. The members  
8 must not include any department employees. The director must consider  
9 nominations from recognized statewide chiropractic groups such as the  
10 Washington state chiropractic association. At least two members must  
11 be chiropractors who are recognized for expertise in evidence-based  
12 practice or occupational health.

13 (3) The industrial insurance chiropractic advisory committee shall  
14 choose its chair from among its membership.

15 (4) The members of the industrial insurance chiropractic advisory  
16 committee and any ad hoc group or subcommittee: (a) Are immune from  
17 civil liability for any official acts performed in good faith to  
18 further the purposes of the industrial insurance chiropractic advisory  
19 committee; and (b) may be compensated for participation in the work of  
20 the industrial insurance chiropractic advisory committee in accordance  
21 with a personal services contract to be executed after appointment and  
22 before commencement of activities related to the work of the industrial  
23 insurance chiropractic advisory committee.

24 (5) The members of the industrial insurance chiropractic advisory  
25 committee shall disclose all potential financial conflicts of interest  
26 including contracts with or employment by a manufacturer, provider, or  
27 vendor of health technologies, drugs, medical devices, diagnostic  
28 tools, or other medical services during their term or for eighteen  
29 months before their appointment. As a condition of appointment, each  
30 person must agree to the terms and conditions regarding conflicts of  
31 interest as determined by the director.

32 (6) The industrial insurance chiropractic advisory committee shall  
33 meet at the times and places designated by the director and hold  
34 meetings during the year as necessary to provide advice to the  
35 director. Meetings of the industrial insurance chiropractic advisory  
36 committee are subject to chapter 42.30 RCW, the open public meetings  
37 act.

1 (7) The industrial insurance chiropractic advisory committee shall  
2 coordinate with the state health technology assessment program and  
3 state prescription drug program as necessary. As provided by RCW  
4 70.14.100 and 70.14.050, the decisions of the state health technology  
5 assessment program and those of the state prescription drug program  
6 hold greater weight than decisions made by the department's industrial  
7 insurance chiropractic advisory committee under Title 51 RCW.

8 (8) Neither the industrial insurance chiropractic advisory  
9 committee nor any group is an agency for purposes of chapter 34.05 RCW.

10 (9) The department shall provide administrative support to the  
11 industrial insurance chiropractic advisory committee and adopt rules to  
12 carry out the purposes of this section.

13 (10) The chair and ranking minority member of the house of  
14 representatives commerce and labor committee or the chair and ranking  
15 minority member of the senate labor, commerce, research and development  
16 committee, or successor committees, may request that the industrial  
17 insurance chiropractic advisory committee review a medical issue  
18 related to industrial insurance and provide a written report to the  
19 house of representatives commerce and labor committee and the senate  
20 labor, commerce, research and development committee, or successor  
21 committees. The industrial insurance chiropractic advisory committee  
22 is not required to act on the request.

23 (11) The workers' compensation advisory committee may request that  
24 the industrial insurance chiropractic advisory committee consider  
25 specific medical issues that have arisen multiple times during the work  
26 of the workers' compensation advisory committee. The industrial  
27 insurance chiropractic advisory committee is not required to act on the  
28 request.

29 NEW SECTION. **Sec. 3.** The director, the industrial insurance  
30 medical advisory committee, and the industrial insurance chiropractic  
31 advisory committee shall report to the appropriate committees of the  
32 legislature on the following:

33 (1) A summary of the types of issues reviewed by the industrial  
34 insurance medical advisory committee and the industrial insurance  
35 chiropractic advisory committee and decisions in each matter;

36 (2) Whether the industrial insurance medical advisory committee or  
37 the industrial insurance chiropractic advisory committee became

1 involved in the resolution of any disputes or controversies and the  
2 results of those disputes or controversies as a result of the  
3 involvement of the industrial insurance medical advisory committee or  
4 the industrial insurance chiropractic advisory committee;

5 (3) The extent to which the industrial insurance medical advisory  
6 committee and the industrial insurance chiropractic advisory committee  
7 conducted any peer reviews and the results of those reviews;

8 (4) The extent of any practice guidelines or coverage criteria  
9 developed by the industrial insurance medical advisory committee or the  
10 industrial insurance chiropractic advisory committee and the success of  
11 those developments; and

12 (5) The extent to which the industrial insurance medical advisory  
13 committee and the industrial insurance chiropractic advisory committee  
14 provided advice on coverage decisions and technology assessments.

15 The report is due no later than June 30, 2011, and must contain a  
16 recommendation about whether the industrial insurance medical advisory  
17 committee and the industrial insurance chiropractic advisory committee  
18 should continue as originally configured or whether any changes are  
19 needed.

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